

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 20 CR 242 (LA/NJ)

SCOTT CHARMOLI,

Defendant.

SCOTT CHARMOLI'S MOTION TO ADJOURN TRIAL

Scott Charmoli, by counsel, moves for an Order adjourning trial. On February 9, 2022, the Court denied in part Dr. Charmoli's motion *in limine* to exclude other acts evidence and to extend the defendant's expert disclosure deadline. (ECF No. 57.) The order relates, in particular, to the 53 uncharged crown procedures identified in the government's bill of particular. The Court's order identifies several issues that it intends to address at the final pre-trial conference, specifically, the amount of evidence and testimony that the government intends to introduce regarding the 53 uncharged crown procedures and the need to extend the expert disclosure deadline to allow Dr. Charmoli's experts the opportunity to review the 53 uncharged crown procedures and offer their opinion on each. (ECF

No. 57, at 8-9.) Dr. Charmoli understands that the Court intends, subject to resolving those outstanding issues, to allow some evidence of the 53 uncharged crown procedures to be introduced at trial.

As the Court acknowledged in its order, admission of the 53 uncharged crown procedures will require Dr. Charmoli's experts to undertake a months-long process of review. (ECF No. 57, at 2.) The current expert reports address only the 8 crown procedures charged in the indictment. *See* Declaration of Dr. Joseph Lasnoski, ¶ 2; Declaration of Dr. Lyndsay Knoell, ¶ 2. Obtaining expert opinions on 53 additional crown procedures will take a significant amount of time. Even if review of the new crown procedures is split up between the three experts, review will not be complete by the time of trial. *See* Lasnoski Decl. ¶ 5; Knoell Decl. ¶ 5.

For these reasons, Dr. Charmoli respectfully requests that the Court adjourn trial and set a new expert disclosure deadline to allow his experts sufficient time to review the 53 uncharged crown procedures.

Respectfully submitted this 9th day of February, 2022.

Respectfully submitted,

SCOTT CHARMOLI, *Defendant*

Electronically signed by Jonas B. Bednarek

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